

10/14/2009

Judge Gray H. Miller

United States District Court

515 Rusk Avenue, Courtroom 9D

Houston TX. 77002

RECEIVED IN CHAMBERS

OCT 19 2009

GRAY H. MILLER  
U.S. DISTRICT JUDGE

RE: Civil Action Number 4:09-cv-03072 Defendant Gary D White

Dear Judge Miller:

Please accept this response to the above referenced action. Steve Stagner (President) of Mattress Firm promised and agreed not to pursue me in any legal action if I fully cooperated with Mattress Firm and their Loss Prevention officer Maurice Edwards in telling my full story or testimony on activities in question.

I met with Maurice in late April I believe the 24<sup>th</sup> in Dallas to speak about the situation. This meeting was at the suggestion and request of Steve Stagner after I phoned Steve asking to be paid my outstanding company stock being held by the company. I could not find work after several months and became desperate to support my family. I told Steve I wanted immunity and my money in exchange for my testimony. He told me to reiterate that to Maurice during the meeting.

After some conversation with Maurice during said meeting we came to an impasse. I didn't feel comfortable about the circumstances and continuing without assurance of our agreement, immunity and to be paid. Maurice left the room to make a phone call which I assumed was to Steve Stagner.

When Maurice returned he stated "OK" we can move forward. Steve Stagner said he would "Back Door" your money if you will continue telling your story and testimony in full. I agreed and proceeded to tell everything I knew. They then asked me to come to Houston and testify on record which would be tape recorded, which I did.

Therefore I'm shocked in receiving this summons because Steve Stagner not only made a deal but promised not to pursue me in any way or actions numerous times. Maurice also indicated that they were trying to collect insurance money with my testimony and would not pursue me with any outside agencies.

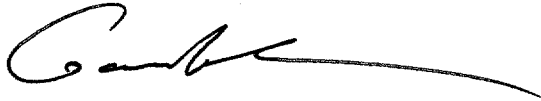
I feel my testimony was a fraudulent inducement and coerced by Mattress Firm. This law suit comes one year following my termination of employment.

I don't have any money for an attorney to defend myself however; I do have a story and a defense to tell you Judge Miller concerning this matter.

Please allow me more time to secure an attorney so I may have the chance to tell my story and give my testimony to defend myself.

Thank you for your consideration.

Gary D. White

A handwritten signature in black ink, appearing to read 'Gary D. White', with a long horizontal flourish extending to the right.

cc: Gerard G. Pecht Fulbright & Jaworski L.L.P

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16 OCT 2009 PM



JUDGE GRAY H. MILLER  
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CIVIL ACTION: 4:09 - CV - 03072

77002-2600

